

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL No. 05-30042 MLW

UNITED STATES OF AMERICA)
v.) DEFENDANTS' OBJECTION TO
RICARDO DIAZ) EXCEPTION FROM SEQUESTRATION
) OF CASE AGENT

NOW comes the defendant herein, Ricardo Diaz, and respectfully states his objection to so much of the sequestration order in this matter as permits case agent Karangekis to sit at counsel table throughout the trial, stating as his grounds the following:

1. Although such an exception is permitted by Fed. R. Evid 615(2), in this case it would be unfair because Karangekis is likely be a key witness who can bolster weaknesses in the government's case after observing the testimony of one or more of the other witnesses.
2. In the alternative, the defendant asks that Agent Karangekis be directed to testify first, in order to prevent any prejudice arising from his exposure to other witnesses. See United States v. Charles, 2006 U.S. App. Lexis 19619 (1st Cir., Aug. 3, 2006)
3. The defendant also asks that the jury be asked on voir dire whether they are biased in favor of law enforcement officer witnesses, in accordance with the request filed today.
4. Defendant Cesar Cruz joins in these requests.

Wherefore the defendant respectfully requests that the above-described relief be granted.

DATED: August 30, 2006

Respectfully submitted,
RICARDO DIAZ, Plaintiff

By: /s/ Terry Scott Nagel
Terry Scott Nagel, Esq.
95 State Street, Suite 918
Springfield, MA 01103
(413) 731-8811
BBO#: 366430

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 30, 2006

/s/ Terry Scott Nagel